



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,568	04/13/2004	Robin J. Harvey	B-3750NP 621449-5	6560

7590 02/16/2006

Richard P. Berg, ESQ.
c/o LADAS & PARRY
Suite 2100
5670 Wilshire Boulevard
Los Angeles, CA 90036-5679

EXAMINER

PHAN, THO GIA

ART UNIT	PAPER NUMBER
----------	--------------

2821

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,568

Applicant(s)

HARVEY, ROBIN J. 

Examiner

Tho G. Phan

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-14 and 20 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,9-11,15-19,21 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 2-6, 10-11, 15-19 and 21 in the previous office action are withdrawn in view of the reference(s) to Spencer (5,757,323) [of record]. Rejections based on the reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 9-11, 15-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer (5,757,323) [of record].

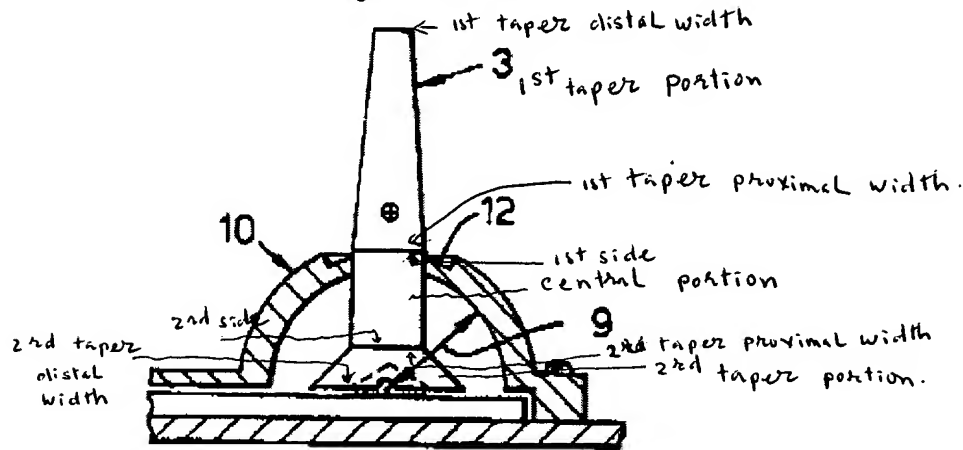
Spencer in figures 1, 3 and 5 discloses a central dielectric portion having a first side and a second side opposite the first side; a first dielectric taper portion having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal side; and a second dielectric taper portion having a second dielectric taper portion proximal side connected with the second side of the central dielectric portion and a second dielectric taper portion distal side, a plane 8/12 supporting the plurality of wave antennas, wherein the plane has a first plane side and a second plane side and the wave antennas are inserted in the plane, the first dielectric taper portion located above the first plane side, and the second dielectric taper portion located below the second plane side, wherein the wave antennas are inserted in the plane perpendicularly to the plane and wherein the wave antennas are disposed in an array configuration (see figure 1a), wherein at least one between the

Art Unit: 2821

first dielectric taper portion and the second dielectric taper portion is bendable (see figure 5), and the central dielectric portion acting as a waveguide (i.e. the dielectric guide rod 3 acts a waveguide where it directs the energy radiated from the patch 1 to a secondary antenna such as a lens 22, abstract, figure 3; furthermore, it is noted that the waveguide is defined as a solid dielectric rod capable of guiding high-frequency electromagnetic waves).

Regarding claim 15, Spencer also teaches a central dielectric portion, acting as a waveguide (i.e. the dielectric guide rod 3 acts a waveguide where it directs the energy radiated from the patch 1 to a secondary antenna such as a lens 22, abstract, figure 3; furthermore, it is noted that the waveguide is defined as a solid dielectric rod capable of guiding high-frequency electromagnetic waves) having a first side and a second side opposite the first side; a first dielectric taper portion having a first dielectric taper proximate end connected with the first side of the central dielectric portion and a first dielectric taper distal end; a second dielectric taper portion having a second taper proximate end connected with the second side of the central dielectric portion and a second dielectric taper distal end, wherein the distal ends of the first dielectric taper portions form a first surface of the array and the distal ends of the second taper portions form a second surface (the end portions of the rods forming a uniform planar air surface, figure 1a), and wherein incoming waves are captured (received the signals radiated from the patches 1, figure 1) by the first dielectric taper portions and re-emitted (transmitted/radiated the received signals from the patch to the lens 22, figure 3 and abstract) by the second taper portions, wherein the first/second surface is selected from a group comprising a planar surface (the end portions of the rods forming a uniform planar air surface, figure 1a).

Fig. 1(c).

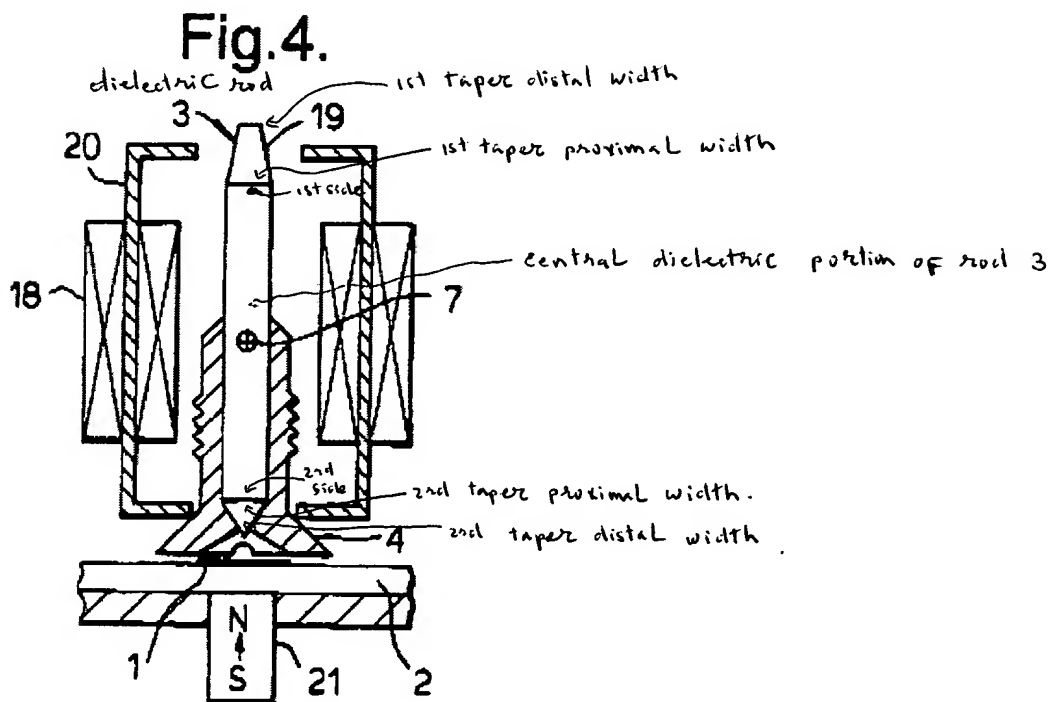


3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Spencer (5,757,323) [of record].

Spencer in figure 4 discloses a central dielectric portion having a first side and a second side opposite the first side; a first dielectric taper portion (at 3, column 2, line 17) having a first dielectric taper portion proximal side connected with the first side of the central dielectric portion and a first dielectric taper portion distal side, the first dielectric taper portion proximal side having a first dielectric taper proximal width, the first dielectric taper portion distal side having a first dielectric taper distal width (end portion of the rod), the first dielectric taper proximal width being greater than the first dielectric taper distal width; and a second dielectric taper portion having a second dielectric taper portion proximal side connected with the second side of the central dielectric portion and a second dielectric taper portion distal side (end portion of the rod), the second dielectric taper portion proximal side having a second dielectric taper proximal width, the second dielectric taper portion distal side having a second dielectric taper

Art Unit: 2821

distal width, the second dielectric taper proximal width being greater than the second dielectric taper distal width.



Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer in view of Bhattacharyya et al (6,137,450) [of record].

Spencer has been discussed above but fails to teach the antennas are disposed in a substantially hexagonal configuration. However, Bhattacharyya et al in figure 1 disclose the

antennas are disposed in a substantially hexagonal configuration. It would have been obvious to provide the antennas are disposed in a substantially hexagonal configuration as taught by Bhattacharyya et al for the purpose of minimizing the number of elements in the array antenna.

Allowable Subject Matter


6. Claims 12-14 and 20 are allowed.
7. Claims 7-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho G. Phan whose telephone number is 571-272-1826. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tho G Phan
Primary Examiner
Art Unit 2821